

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

QUILLON CLEMONS,

Plaintiff,

v.

DAVID B LADENBURG,

Defendant.

CASE NO. C13-5746 RBL

ORDER DENYING IFP

THIS MATTER is before the Court on Plaintiff Clemons' application to proceed in forma pauperis in this matter. The proposed complaint is difficult to decipher but appears to allege that Pierce County District Court Judge David Ladenburg erred in computing Clemons' sentence in a criminal matter. Clemons informs the Court that he has appealed the sentence and filed an unsuccessful petition for writ of habeas corpus in Cause No. 11 CV 5397BHS.

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should "deny leave to proceed

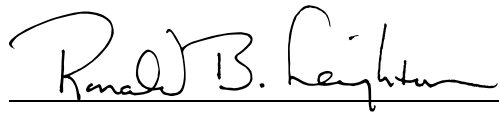
1 *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the
2 action is frivolous or without merit.” *Tripathi v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369
3 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis*
4 complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*
5 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.
6 1984).

7 It is well-settled that judges enjoy absolute judicial immunity from civil suit for judicial
8 acts taken within the scope of their jurisdiction. *Pierson v Ray*, 386 U.S. 547, 553-54 (1967);
9 *Stump v. Sparkman*, 435 U.S. 349, 355-56 (1978).

10 Because Clemons’ civil claims against the Judge who sentenced him are frivolous on
11 their face, his application to proceed IFP is DENIED.

12 IT IS SO ORDERED.

13 Dated this 12th day of September, 2013.

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15 RONALD B. LEIGHTON
16 UNITED STATES DISTRICT JUDGE
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